

Newburgh Town Council Meeting
Date: Monday, December 30, 2013

The Newburgh Town Council met in Executive Session on Monday, December 30, 2013, at 4:30 p.m. Those present at the meeting were Council President/District II Tonya R. McGuire, District I William F. Kavanaugh, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Council-at-Large Leanna K. Hughes, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney R. Thomas Bodkin. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

Council President Tonya R. McGuire called the Regular Session to order at 5:40 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Carol King, a long-time Town resident.

ROLL CALL

Those present at the meeting were:

District I - William F. Kavanaugh
District II - Tonya R. McGuire
District III, Alonzo B. Moore, Jr.
District IV - Anne Rust Aurand
Council-at-Large - Leanna K. Hughes
Clerk-Treasurer - Jon E. Lybarger
Town Manager - Lori S. Buehlman
Town Attorney - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the December 11, 2013 Town Council meeting minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None requested.

A. PETITIONS AND COMMENTS FROM CITIZENS PRESENT

No petitions or comments from citizens present.

B. UNFINISHED BUSINESS

1. Rezoning of 19 and 21 East Water St. from C1 to PUD-R-1-continued from Nov. 13, 2013

MOTION by Mr. Kavanaugh to remove from table Rezoning of 19 and 21 East Water Street, Harbour Point, from C1 to PUD-R-1.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Don Fuchs with Bingham Greenebaum and Doll, Jim Morley, Jr. with Morley and Associates, and Dean Ackerman the Sr. Vice-president with First Bank all spoke in favor of the rezoning. A short question and answer session took place.

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2013-21, Rezoning of 19 and 21 East Water Street, Harbour Point, from C1 to PUD-R-1.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2013-21, an ordinance rezoning real estate at 19 and 21 East Water Street.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2013-21, Rezoning of 19 and 21 East Water Street, Harbour Point, from C1 to PUD-R-1.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2013-21, Rezoning of 19 and 21 East Water Street, Harbour Point, from C1 to PUD-R-1.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2013-21, an ordinance to rezone real estate at 19 and 21 East Water Street.

MOTION by Mr. Kavanaugh to approve Ordinance 2013-21, Rezoning of 19 and 21 East Water Street, Harbour Point, from C1 to PUD-R-1.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Vision Service Plan Contract – tabled November 13, 2013

MOTION by Mrs. McGuire to remove from table Vision Service Plan Contract.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mrs. McGuire to remove from the agenda Vision Service Plan Contract.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Parking on East Jennings and Jennings Downtown – tabled November 26, 2013

MOTION by Mrs. Hughes to remove from table Parking on East Jennings and Jennings Downtown.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 1 (Kavanaugh).

The curb on Jennings Downtown in the areas where no parking has been declared will be painted yellow by the Street crew when weather permits.

Mrs. McGuire stated Parking on East Jennings will be removed from the agenda.

4. Chandler vs. Newburgh Update

Mr. Bodkin stated on December 23, 2013, the Indiana Court of Appeals published opinion that Newburgh's ordinance was valid making Chandler in violation of the Town's ordinance. Chandler has the right to seek transfer of the case to the Indiana Supreme Court. Mrs. McGuire publicly thanked Tom Bodkin, Chris Wischer and Herb Davis for their commitment in resolving this issue.

C. NEW BUSINESS

1. 2014 Fire Protection Contract Renewal

MOTION by Mrs. McGuire to approve, pending legal verification, the 2014 contract with Ohio Township Trustee for Fire Protection.

SECOND by Mrs. Hughes.

DISCUSSION: Chief Paul Campbell stated the Newburgh Volunteer Fire Department Association also signs a contract with the Township for run participation funding. The Town's contract is a renewal from the previous year. Mr. Bodkin suggested renewing the current contract and then begin open discussions with the Ohio Township Trustee in the very near future for the 2015 contract.

MOTION carried: ayes 5, nays 0.

2. Purchase Town Vehicle

The truck assigned to the maintenance department is twelve years old and now requires extensive service work. A decision has been made to purchase a new heavier duty vehicle. A state bid on lease pricing was received from two (2) auto dealers and presented to all council members.

MOTION by Mrs. Hughes to move forward with a state bid from Fletcher's for a Dodge Ram ¾ ton truck with snow blade and lease-purchase financing option provided through Leasing 2 with a three-year lease term and semi-annual payments.

SECOND by Mrs. McGuire.

DISCUSSION: The options on the truck are similar to the present vehicle.

MOTION carried: ayes 5, nays 0.

Mrs. McGuire appointed a vehicle finance sub-committee consisting of Ms. Buehlman, Mrs. Hughes, Mrs. McGuire and John Heck. The purpose of the group is to devise a replacement rotation schedule for all Town owned heavy equipment and vehicles.

3. Resolution 2013-07 – Budget Transfers

MOTION by Mr. Kavanaugh for the first reading of Resolution 2013-07 – Budget Transfers.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Resolution 2013-07, a resolution of transfers.

MOTION by Mr. Kavanaugh to adopt Resolution 2013-07 – Budget Transfers.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Ordinance 2013-14 – Salary Ordinance for 2014.

MOTION by Mr. Kavanaugh to suspend the rules for purposes of reading of Ordinance 2013-14 – Salary Ordinance for 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2013-14 – Salary Ordinance for 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2013-14, an ordinance regarding payment of officials and employees of the Town of Newburgh for 2014.

MOTION by Mr. Kavanaugh for the acceptance of the first reading of Ordinance 2013-14 – Salary Ordinance for 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2013-14 – Salary Ordinance for 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2013-14, an ordinance regarding payment of officials and employees of the Town of Newburgh for 2014.

MOTION by Mr. Kavanaugh to adopt Ordinance 2013-14 – Salary Ordinance for 2014.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated the Board met on December 16, 2013 and approved a Petition for Variance for a replacement garage located at 411 W. Jennings.

FIRE - Mr. Moore

Chief Paul Campbell reported that approximately 350 runs were made in 2013. Engine 11 received a new tire. The Suburban is out-of-service with a possible transmission problem and cost estimate of \$3,000.00. The keyless entry system crashed and must be replaced. The new roof which was replaced during 2013 is now leaking more than before the repair.

HISTORIC PRESERVATION - Mrs. McGuire

No report.

PARK – Mrs. Hughes

Ms. Buehlman stated Amanda Burkins resigned as of Dec. 31, 2013 but would like to serve on the advisory council.

PLAN – Ms. Aurand

No report.

POLICE – Mr. Kavanaugh

Mr. Kavanaugh stated the Police Commission will meet on January 13, 2014 with an Executive Session at 4:00 p.m. followed by the regular session at 4:30 p.m.

STORM WATER – Mr. Kavanaugh

Mr. Kavanaugh stated the next meeting will be held on January 27, 2014 beginning at 6:00 p.m.

STREETS – Mr. Moore

Mr. Moore stated the Street Department's drain and ditch debris removal has improved the standing water problems around Town. The crew cleared leaves and limbs from the trail and closed the bridge gate on the walkway due to high water. A sinkhole at Third and Filmore Streets was repaired. Debris was removed from the boat ramp to permit emergency access and a dead animal was removed from State Street.

UTILITY – Mrs. McGuire

Mrs. McGuire stated the next meeting will be held on January 8, 2014.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

No report.

PERSONNEL – Mrs. McGuire

Mrs. McGuire stated the interview process has begun for the collections position in the Utility Office.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

No report.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated a field check will be conducted on Monday, January 6, 2014 for sidewalk repairs.

ARTS PAVILION – Mrs. Hughes

The Arts Council will meet in January 2014.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Mr. Bodkin

No report.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes was absent; no report.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman stated salt was ordered. Supervisor training for reasonable suspicion of drug and alcohol testing was conducted today. Tavi, Desiree, Don and Gerald were thanked for their assistance with the employee Christmas party.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh reminded and invited all to his home tomorrow evening beginning at 7:00 p.m. Anniversary wishes went out to Gordon and Mary Jo Bennett and Bill and Wanda Kavanaugh.

Ms. Aurand has attempted to pass along Christmas and New Year greetings to Reg and Shirley Porter and sister-city Newburgh, England.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that claims be paid in the following amounts including any sewer adjustments:

Civil Town - \$384,414.73

Sewer - \$468,418.35

SECOND by Mr. Kavanaugh.

DISCUSSION: None

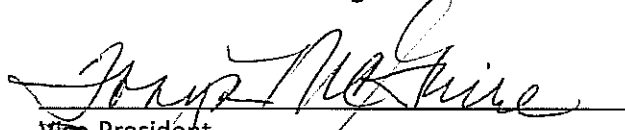
MOTION carried: ayes 5, nays 0.

ADJOURNMENT

Mrs. McGuire adjourned the meeting at 7:06 p.m.

APPROVED this 8 day of January, 2014

Newburgh Town Council


Vice-President

ATTEST:


Clerk-Treasurer